



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,714	02/06/2002	Wade E. Lehmkuhl	WHB-31572	8640
22202	7590	10/08/2003	EXAMINER	
WHYTE HIRSCHBOECK DUDEK S C 111 EAST WISCONSIN AVENUE SUITE 2100 MILWAUKEE, WI 53202				DUDDING, ALFRED E
ART UNIT		PAPER NUMBER		
		2853		

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/683,714	LEHMKUHL ET AL.
	Examiner	Art Unit
	Alfred E. Dudding	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 18-24 and 43-51 is/are allowed.
- 6) Claim(s) 1,4,5,8,9,15,16,25,30,36,37 and 39-42 is/are rejected.
- 7) Claim(s) 2,3,6,7,10-14,17,26-29,31-35 and 38 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150** words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" "comprising:", and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: in Figure 8, reference characters "98" and "100" are not mentioned in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2853

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, 9, 15, 16, 25, 30, 36, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (U.S. 5,497,183 A).

Yoshida et al. disclose a label printer-cutter, Figure 3A, element 102, and a method of selectively printing to and cutting of a label media, comprising a frame, Figure 3A (shown in cross section); a print head assembly connected to the frame, Figure 3A, element 13 (thermal print head) and 21 (bias spring for variable loading); the print head assembly including a print head for printing to a label media; a cutting assembly connected to the frame, Figure 3A, elements 15a,b (end cutter), the cutting assembly for cutting of the label media; and a controller in operative association with the print head assembly and the cutting assembly, Figure 18, element 113; wherein the controller can be programmed to control the print head assembly and the cutting assembly such that printing to and cutting of the label media does not occur simultaneously in the label printer-cutter, Figure 10B, elements S56 through S59 (step S58 cuts media (label) after printing is completed). Yoshida et al. disclose an ink ribbon supply to supply a thermally-sensitive ink for application to the label media, element 14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2853

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (U.S. 5,497,183 A) in view of Kouchi et al. (U.S. 6,201,256 B1).

Yoshida et al. discloses all of the limitations of the claimed invention except for a cutting assembly including a plotter cutter connected to the frame for plotter cutting the label media.

Kouchi et al. discloses a plotter cutter, Figure 1, elements 60 (head) and 62 (cutter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plotter-cutter of Kouchi et al. in the label printer of Yoshida et al. in order to produce labels having contours unique to the text or graphics on the labels for advertising or to attract consumer attention.

8. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Nehowig (U.S. 5,318,370 A).

Yoshida et al. disclose all of the limitations of the claimed invention except that the media supply is a label supply cartridge.

Nehowig discloses a media supply cartridge, Figure 1, element 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the media supply cartridge of Nehowig in the label printer of Yoshida et al. in order to obtain faster media reloading.

9. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Awai et al. (U.S. 5,451,996 A).

Yoshida et al. disclose all of the limitations of the claimed invention except for that the ink ribbon supply is an ink ribbon supply cartridge.

Awai et al. disclose an ink ribbon supply cartridge, Figure 3(A), element "A"

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the ink ribbon supply cartridge of Awai et al. in the label printer of Yoshida et al. in order to prevent damaging the ink supply ribbon and permit faster reloading of the ink supply ribbon.

Allowable Subject Matter

10. Claims 2, 3, 6, 7, 10 – 14, 26 – 29, 31 – 35, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. a. A search of prior art did not cite a label printer-cutter the print head assembly further comprises a print head lift cam connected to the frame; and a print head assembly pin in operative association with the print head lift cam, the pin housing a print head load spring; wherein the load spring housed within the print head assembly pin can be compressed via

rotation of the cam so as to transfer a media-specific load to the label media as claimed in the limitations of claims 2 and 3.

b. A search of prior art did not cite a label printer-cutter wherein the cutting assembly further comprises a cutting assembly frame connected to the frame; a plotter cutter slide rail pivotally secured to the cutting assembly frame; a plotter cutter connected to the plotter cutter slide rail for plotter cutting a label media; an end cutter slide rail secured to the cutting assembly frame; an end cutter connected to the end cutter slide rail for end cutting the label media; and a drive mechanism connected to the plotter cutter and the end cutter for driving at least one of the plotter cutter to perform a plotter cut to the label media and an end cutter to perform an end cut to the label media as claimed in the limitations of claims 6 and 7.

c. A search of prior art did not cite a label printer cutter wherein the cutting assembly includes a pair of rollers and wherein the printer-cutter further includes a roller positioning assembly comprising a slide plate for positioning the pair of rollers into one of a cutting position and a non-cutting position as claimed in the limitations of claims 10 – 13 and 31 – 34.

d. A search of prior art did not cite a label printer-cutter wherein the controller is programmed to transfer primary driving responsibility of the label media between the platen roller and the cutting assembly pair of rollers as claimed in the limitations of claims 14 and 35.

e. A search of prior art did not cite a label printer-cutter wherein the print head is unloaded from the label media prior to the cutting assembly effecting cutting of the label media as claimed in the limitations of claims 17 and 38.

f. A search of prior art did not cite a method of selectively printing to and cutting of a label media wherein the cutting assembly includes a pair of rollers and wherein the printer-cutter

further includes a roller positioning assembly comprising a slide plate as claimed in the limitations of claims 26 and 27.

g. A search of prior art did not cite a method of selectively printing to and cutting of a label media using a pair of cutting assembly rollers, the label media in during cutting as claimed in the limitations of claims 28 and 29.

12. The following is a statement of reasons for the indication of allowable subject matter:

a. The primary reason for the allowance of claims 18 - 24 is the inclusion of the limitations of a label printer-cutter having a roller positioning assembly including a slide plate for positioning the pair of rollers into one of a cutting position and a non-cutting position; and a controller in operative association with the print head assembly, the cutting assembly and the roller positioning assembly; wherein the controller ensures that printing to and cutting of the label media in the label printer-cutter are mutually exclusive. It is these limitations found in each of the claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

b. The primary reason for the allowance of claims 43 – 51 is the inclusion of the limitations of a label printer-cutter having a print head lift cam connected to the frame; a print head assembly pin in operative association with the print head lift cam, the assembly pin housing a print head load spring that can be compressed via rotation of the cam so as to transfer a media-specific load to the label media; a print head mount connected to the print head assembly pin; and a print head pivot pin that passes through, so as to pivotally connect, the print head assembly pin and the print head mount.

Art Unit: 2853

Conclusion

13. The submitted co-pending applications should not be entered on the PTO-1449 form (references publicly available). For these to be considered by the examiner, please submit a separate sheet listing these co-pending applications.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mason et al. (U.S. 3,761,675 A) discloses a plotter cutter and printer, Figure 5, element 77 (printer), element 127 (cutter). Cutting of the media occurs after printing is performed on the media, see figure 5 for placement of printer and cutter. Mason et al. fail to teach the claimed invention of wherein the print head is unloaded from the label media prior to the cutting assembly effecting cutting of the label media.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Dudding whose telephone number is (703) 308-6082. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, AU 2853, can be reached at (703) 308-4896. The fax phone number for this Group is are (703) 872-9306. The examiner's fax phone number is (703) 746-4390 (unofficial correspondence only).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.

Alfred Dudding

AM

9 - 25 - 03


Stephen D. Meier
Primary Examiner